

## REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF  
TPM 20726 RPL<sup>3</sup>, Log No. 03-20-001, ROBNETT TPM

July 13, 2006

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements are located within the boundaries of the Multiple Species Conservation Program. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Please refer to the MSCP Conformance Findings for Robnett TPM 20726.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
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NOT APPLICABLE/EXEMPT  
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Discussion:

As identified within Section 67.722B of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands of the project and thus, the project will not adversely impact groundwater availability.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The <a href="#">Steep Slope</a> section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

## Discussion:

**Wetland and Wetland Buffers:** Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. All wetlands and associated habitats onsite are protected within an open space easement.

**Floodways and Floodplain Fringe:** The project is not within the floodways, flood plain fringe as defined in the Resource Protection Ordinance.

**Steep Slopes:** The average slope for the property is 20% percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are steep slopes on the property however, an open space easement is proposed over the entire steep slope lands. Therefore, the project is in conformance with the RPO.

**Sensitive Habitats:** The site is predominantly southern mixed chaparral (70.07 acres). The site also supports southern coast live oak riparian forest (8.17 acres), coast live oak woodland (4.18 acres), coastal sage scrub (1.66 acres) and developed habitat (1.73 acres). A Resource protection Ordinance (RPO) wetland (Pringle Creek) traverses the site in two locations. Project development impacts that will require mitigation in accordance with the BMO include impacts to 34.48 acres of southern mixed chaparral. No other habitat types will be impacted. The RPO wetland (Pringle Creek) will not be impacted and lies completely within the proposed biological open space easement.

Since impacts and proposed mitigation is within a BRCA the BMO requires a mitigation ratio of 1:1 for impacts to southern mixed chaparral and thus 34.48 acres of southern mixed chaparral is required to be preserved. On-site biological open space will preserve 35.59 acres of southern mixed chaparral thus meeting the mitigation requirements of the RPO and BMO.

***Significant Prehistoric and Historic Sites:*** A County of San Diego approved archaeologist, Sue Wade with Heritage Resources, and Andrew Pigniolo with Laguna Mountain Environmental, Inc has surveyed the property, and it has been determined there are three archaeological/historical site(s). Two of the sites (CA-SDI-16652 and CA-SDI-16653) will be placed in an open space easement for protection and no further significance testing was conducted. However, the site CA-SDI-16651 was investigated and it was determined the archaeological site does not meet the definition of significant site and does not need to be preserved under the Resource Protection Ordinance.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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Discussion:

DPW has reviewed the Minor Storm Water Management Plan received September 26, 2003, by DPLU and has accepted same.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL)=60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.

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